

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641- DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
Scott Rewolinski  
\_\_\_\_\_
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:  
N/A  
\_\_\_\_\_
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):  
N/A  
\_\_\_\_\_
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:  
Wisconsin  
\_\_\_\_\_
5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of injury:  
Wisconsin  
\_\_\_\_\_

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
Wisconsin

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7. District Court and Division in which venue would be proper absent direct filing:  
Wisconsin Eastern District Court

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8. Defendants (check Defendants against whom Complaint is made):
- ☒ C.R. Bard Inc.
  - ☒ Bard Peripheral Vascular, Inc.
9. Basis of Jurisdiction:
- ☒ Diversity of Citizenship
  - ☐ Other: 

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- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:  

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):
- ☐ Recovery® Vena Cava Filter
  - ☐ G2® Vena Cava Filter
  - ☐ G2® Express Vena Cava Filter
  - ☐ G2® X Vena Cava Filter
  - ☐ Eclipse® Vena Cava Filter
  - ☐ Meridian® Vena Cava Filter
  - ☒ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

10/20/2013

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12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Wisconsin (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 30 day of May, 2018.

By: /s/ Matthew R. McCarley

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I hereby certify that on this 30 day of May, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew R. McCarley  
**Matthew R. McCarley**